

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-mc-00019-MR-WCM

HRB RESOURCES LLC, )  
Petitioner, ) ORDER  
v. )  
DRAKE SOFTWARE LLC, )  
Respondent. )  
\_\_\_\_\_  
)

This matter is before the Court on a Petition to Compel Compliance with Arbitrator Summons (Doc. 2) filed by HRB Resources LLC (“HRB”) and a Stipulation and Joint Motion for Entry of Agreed Order Granting Petition (Doc. 5). A hearing was held by videoconference on January 22, 2024.

Having reviewed the subject filings, the record, and applicable authorities, and having heard from the parties, the undersigned finds that the Petition to Compel Compliance with Arbitrator Summons (Doc. 2) should be, and the same is, **DENIED AS MOOT**.

In addition, as the Court concludes that HRB has made a sufficient showing, the Stipulation and Joint Motion for Entry of Agreed Order Granting Petition (Doc. 5) is **GRANTED IN PART** and Drake Software, Inc. is directed to respond to the Arbitration Summons, to produce responsive documents that are in its possession, custody, and control, and to produce

them in the format specified by the Arbitration Summons. The Arbitrator may establish a revised deadline by which this production shall be made, if necessary.

Finally, the Clerk is **RESPECTFULLY DIRECTED** to refund HRB the sum of \$353.00<sup>1</sup> and to close this matter.

It is so ordered.

Signed: February 2, 2024



W. Carleton Metcalf  
United States Magistrate Judge



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<sup>1</sup> The Court is advised that when this matter was opened, HRB paid a civil case filing fee of \$402.00 rather than a miscellaneous filing fee of \$49.00.